



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
JOEL SCHNEIDER
UNITED STATES MAGISTRATE JUDGE

UNITED STATES COURTHOUSE
ONE JOHN F. GERRY PLAZA
Fourth & Cooper Streets, Room 2060
Camden, New Jersey 08101
(856) 757-5446

LETTER ORDER
ELECTRONICALLY FILED
January 21, 2015

Gerald Allen Marks, Esquire
Marks & Klein, LLP
63 Riverside Avenue
Red Bank, NJ 07701

Re: Spavlik, et al. v. 7-Eleven, Inc.
Civil No. 14-5796 (RMB/JS)

Dear Mr. Marks:

The Court received your Declaration [Doc. No. 18] in response to the Order to Show Cause. [Doc. No. 15]. The Court also received Mr. Wexler's response Declaration. [Doc. No. 19].

The Court expects all parties to comply with its Orders. The Fed. R. Civ. P. 16 conference is not ministerial and is an important part of the Court's effort to effectively manage the case. With due respect to Mr. Famulari, he was not intimately familiar with the file, he did not "have full authority to bind [his] clients," and he was not prepared to discuss settlement. Thus, plaintiff violated the Court's November 14, 2014 Order for Scheduling Conference. See Doc. No. 11 ¶(5). In addition, a Joint Discovery Plan was not submitted.

Mr. Famulari and you misunderstand the Court's question regarding class certification. The Court asked why plaintiff referenced N.J.R. 4:32-1 (see Complaint ¶39) in a federal complaint seeking class certification.

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In the interest of justice it is hereby ORDERED that the January 7, 2015 Order to Show Cause [Doc. No. 15] is DISCHARGED. Plaintiff is on notice that future violations of the Court's Orders will be dealt with more harshly.

Very truly yours,

s/ Joel Schneider

JOEL SCHNEIDER
United States Magistrate Judge

JS:jk

cc: Hon. Renée Marie Bumb